IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.302 OF 2005
IN
EXECUTION APPLICATION NO.340 OF 2004
IN
ARBITRATION REFERENCE NO.104 OF 2000

Keynote Capitals Ltd. ....Applicants (Judg.creditor)

V/s.

Ms.Pushpa Rathi ....Respondent

And

Miss Neha Farswami ....Applicant

Mr.Ravi Goenka for Judgment Creditor.
Mr.Jayant Gaikwad i/b Ajay Khandhar for the Applicant.

CORAM : S.J. VAZIFDAR, J.
DATED : 10TH JANUARY, 2006.

P.C. :

1. This is the Applicant's Chamber Summons seeking an order that the warrant of attachment of certain moveable properties set out in Exhibit "C" to the affidavit in support thereof be stayed and that the attachment against the said moveable properties be set-aside.

2. The Applicant is the daughter of the judgment-debtor. She is however, not liable for the decretal amount. The only question is whether the movable properties in fact belong to the Applicant.

3. The moveable properties comprise of washing machine, refrigerator, computer, computer trolley, acquaguard and a caller ID telephone. The bills for the aforesaid items have been raised in the name of the Applicant. That by itself may in certain circumstances not by conclusive of the Applicant's title to the said movable properties. Further added to this, there is a fact that the value of all the expensive items have been paid for by the Applicant by cheque. The cheque payments comprise aggregate of more than 80% of the total consideration. In these circumstances, I am inclined to accept the Applicant's case that she paid for the remaining items by cash.

4. In the circumstances the Chamber Summons is made absolute in terms of prayers (a) and (b). There shall be no order as to costs. This order is without prejudice to the pending interlocutory proceedings and orders, if any, therein.